

Book Review: The Professional Ideals of the Lawyer: A Study of Legal Ethics, By Henry Wynans Jessup, M.A., J.D.

H. B. M.

Follow this and additional works at: <http://scholarship.law.marquette.edu/mulr>



Part of the [Law Commons](#)

Repository Citation

H. B. M., *Book Review: The Professional Ideals of the Lawyer: A Study of Legal Ethics, By Henry Wynans Jessup, M.A., J.D.*, 10 Marq. L. Rev. 109 (1926).

Available at: <http://scholarship.law.marquette.edu/mulr/vol10/iss2/17>

This Article is brought to you for free and open access by the Journals at Marquette Law Scholarly Commons. It has been accepted for inclusion in Marquette Law Review by an authorized administrator of Marquette Law Scholarly Commons. For more information, please contact megan.obrien@marquette.edu.

The Professional Ideals of the Lawyer. A Study of Legal Ethics. BY HENRY WYNANS JESSUP, M.A., J.D. G. A. Jennings Co., Inc., New York, 1925. pp. xlii, 292.

"Another book on legal ethics!" some may be tempted to exclaim and then ask: "Is there need of it?" Dr. Jessup gives the answer in the preface to his new book *The Professional Ideals of the Lawyer*:

It is a shame that there are so many who have to be forcibly fed with ethical ideas. Every man entering a learned profession and so becoming a potential leader of public opinion ought to be able to distinguish between right and wrong in matters of professional conduct without difficulty or hesitation. Nevertheless so complex are the present day relationships of the professional man that ethical quandaries do present themselves and are difficult, sometimes, of solution.

The author had learned this well during his many years of splendid activity as a member of the committee of professional ethics of the New York County Lawyers Association and when chairman of the committee on legal ethics of the State and American Bar Associations. "There," as Charles A. Boston says in his able Introduction, "he has had an almost unequalled opportunity to learn the need for a practical application of professional ideals. His vast experience and an appreciation of the needs, in this respect, of both the profession and the public, prompted him to make this worthy and novel contribution to the educational field."

"Worthy and novel" as well as practical it assuredly is,—a book we would gladly see in the hands, not merely on the shelves, of every young lawyer and law student. Yes, and would that the inscription of the title page, *Non omne licitum honestum est* were inscribed in the minds and hearts of some older practitioners as well!

No one can fail to agree with the author's sentiments expressed in the opening sentence of the preface quoted above and which evidently determined in the author's mind the mold in which his work is cast. Not claiming to be an exhaustive treatise and leaving to others to discuss completely the nature of the profession, it is written in a form to provoke discussion and to drive home the lesson of the need of fixed moral principles and lofty aims for all who would enter the noble profession of the law.

Those who "have to be forcibly fed with ethical ideas," to whom the spirit of *noblesse oblige* makes no appeal, are not forgotten; for them especially are included in the book the American Bar Association Canons and Parts VI and VII; though these will doubtless benefit young lawyers, too. To older members of the Bar who appreciate the dignity of their calling the preface and Mr. Boston's Introduction, with Part I containing as it does the author's own opinions, will prove of greatest interest.

The value of the work can be seen from a mere enumeration of the contents. The American Bar Association Canons serve as an opening chapter and then follow Parts I, "Ethical Questions Discussed"; II, "Moot Court Questions to be Discussed"; III, "The New Judicial Canons"; IV, "Legal Questions of Professional Rights to be Looked up"; V, Hoffman's Resolutions, and Parts VI and VII, "Questions and Answers (232) of the Committee of the New York County Association," and "A Summary of the Causes for Discipline of Lawyers in New York." A postscript and a full analytical index complete the work. The high ideals of the writer and the motive power of this "labor of love" can best be expressed in his own words, taken from the preface and note to law students, (pp. xxxi and xxi):

The lawyer in the last analysis is a priest in the Temple of Justice. He undertakes as his life work to co-operate with the Courts in the administration of our

law—he may have to deny himself; he may have to consecrate his efforts to the support of a client's right; he may have to defy public clamor and incur reproach in his assertion of these rights. He lives a life of consecrated duty and yet in how many states is there any thoroughgoing attempt to ascertain whether he has a call to that high vocation on the threshold of his admission to the Bar? And in how many law schools is the nature of the service he is to render kept in the forefront while his technical education progresses?

I urge upon the youth of America who look upon this great profession as an opportunity for Service to consider well whether the solution of every ethical quandary will not, after all, be found to lie in Faith, that is, not only in Daniel Webster's conviction in the existence of a Supreme Being, but in the "abiding confidence in the friendliness of one's God," as Cairns of Aberdeen phrased it.

If the Creator of our spirits is the friendly chancellor of the conscience he implants in every breast, the "dignity" of the relationship, and the "loyalty" of the friendship will produce the "Integrity" that marks the perfect Chancellor.

Such a book by such an author should help, indeed, make many such chancellors.

H. B. M.

The Trial of Jesus Christ. By ANDREW C. BISEK, Professor of the History and Development of Law at the Chicago Law School. Chicago: Progressive Press. pp. 333.

The author in his preface expressly professes his belief in the divinity of Christ but states that he limits himself to the purely legal aspects of the case leaving its theological relationship to the clergymen. Being a lawyer he obviously is better qualified to write on this subject than were some of those who have written before him. His treatment as a whole shows that he has conscientiously studied all the available data including of course the history of Christ as related in the New Testament, the Jewish system of law contained in the Talmud, such scattered information as can be obtained from the writings of Josephus and other contemporaneous writers and the modern works dealing with the life of Christ generally or with the trial in particular. His style is clear and forcible and in a good many pages reaches a high degree of literary excellence. His chapter on the trial before Pilate is particularly satisfactory whether the reader believes with the author that Pilate stayed reasonably within the law as it was and acted as a judge or whether he believes that he was merely an opportunist with a smattering of legal principle and a contempt for it. The book will be a valuable addition to the library not only of the lawyer interested in trial work, or of the clergyman interested in Lenten sermons but also of the man of broad culture interested partly in its subject matter, partly in its literary qualities. The type is large and bold and the paper and binding though by no means of the highest grade are sufficient for a book of this size. It is to be regretted that the volume contains no index and that quotations from the Bible and other sources contain no reference to the sources.

Perhaps the best method to acquaint the reader with the scope of the work will be to run through the various chapters. In Chapter I the author deals with the traditions and condition of the Jewish people at the time, with particular regard to their fierce monotheistic belief and their horror for all graven images and shows that these feelings were in a large part respected and to some extent flouted by the Roman conquerors. In Chapter II he shows the effect of the teaching of the Nazarene on this strange, headstrong, and poverty-stricken nation particularly in regard to his own claim to divinity and to his unsparing denunciation of the Pharisees, perhaps the most influential group. In Chapter III he